



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 6968-99

8 August 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 23 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
23 Jun 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 3 Jan 00
(b) NAVADMIN 253/98
(c) NAVADMIN 132/99

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner received BUPERS orders 2338 on 21 Aug 1998 to transfer to NAVSUPACT MADDALENA, IT with a detachment month of February 1999.

- Petitioner reenlisted on 6 Nov 1998 for four years to have sufficient obliserve to BUPERS orders 2338. Petitioner's EAOS at the time was 20 Nov 1998. Reference (b) did not offer an SRB entitlement for the LN rate at the time petitioner reenlisted for orders.

- Petitioner's orders were later canceled due to petitioner's failure of overseas screening. Petitioner subsequently received BUPERS orders 0409 on 9 Feb 1999 to transfer to COMCRUDESGRU FIVE SAN DIEGO, CA with a detachment month of March 1999.

- Petitioner reported on board COMCRUDESGRU FIVE on 16 Apr 1999. Reference (c) released on 30 Apr 1999 with an effective date of 1 May 1999 listed the LN rate for zones "A" and "B" eligibility.

- Petitioner requests to cancel the reenlistment of 6 Nov 1998 and effect an SRB eligible reenlistment within the effective date of reference (c) for SRB entitlement. However, petitioner reenlisted and transferred prior to the release of reference (c).

- NAVY PERSONNEL COMMAND/OPNAV cannot provide information pertaining to subsequent SRB NAVADMINS until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. Petitioner's hindsight is not sufficient grounds to expunge the 6 Nov 1998 reenlistment as no error or injustice was committed. Additionally, petitioner passed through the zone "B" window (10 years of active service) on 12 Jan 1999. Reference (c) did not list a zone "C" SRB entitlement for the LN rate.

Subj: BCNR PETITION ICQ [REDACTED]

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. D. BOOTH
Deputy Director
In-Service Procurement
and Transfer Division